

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

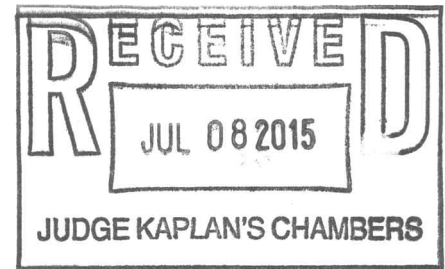
GREGORY W. GRAY, JR., ARCHIPEL CAPITAL LLC,
BIM MANAGEMENT LP,

Defendants,

-and-

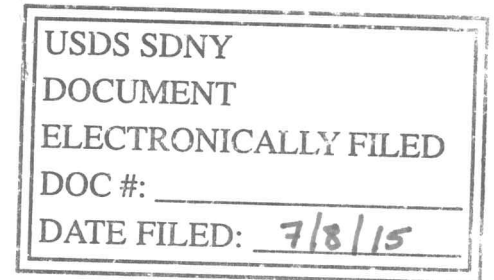
ARCHIPEL CAPITAL-AGRIVIDA LLC, et al.,

Relief Defendants.



15 Civ. 1465 (LAK)

ECF CASE



ORDER MODIFYING ASSET FREEZE

WHEREAS, on February 27, 2015, on the application of Plaintiff, Securities and Exchange Commission (the "Commission"), the Court (Stein, J.) entered an Order temporarily freezing the assets of the Defendants Gregory W. Gray, Jr., ("Gray") and Archipel Capital LLC and BIM Management LP (collectively the "Corporate Defendants," and together with Gray, the "Defendants") and the Relief Defendants¹, and granting other temporary relief (the "Asset Freeze Order");

WHEREAS, on March 23, 2015, the Court entered an Order Granting Preliminary Injunction, Asset Freeze and Other Interim Relief on consent, which, among other things, extended the Asset Freeze Order pending final disposition of this action, and specified that Defendants and the Relief Defendants were ordered to "hold and retain within their control, and otherwise prevent any withdrawal, transfer, pledge, encumbrance, assignment, dissipation,

¹ The Relief Defendants are Archipel Capital- Agrivida LLC, Archipel Capital- Amyris Biotechnologies LP, Archipel Capital Bloom Energy LP, Archipel Capital- Late Stage Fund LP, Archipel Capital- Lineagen LP, Archipel Capital- Social Media Fund LP, Archipel Capital Social Media Fund II LP, Archipel Capital – Social Media Fund LP 3, Archipel Capital- Social Media Fund LP 4, and Bennington-Everloop LP.

concealment, or other disposal... of any assets, funds, or property (including money, property..., or any other real property or rent due from such real property, personal property, securities, commodities, choses in action, business interests, or other property of any kind whatsoever) of, held by, or under the control of Defendants or Relief Defendants, whether held in their names or for their direct or indirect beneficial interest wherever situated...”;

WHEREAS, on May 20, 2015, the Court entered an Order on consent modifying the Asset Freeze Order to permit Gray to pay certain expenses related to the Florida and Buffalo property he owns or controls;


WHEREAS, on March 25, 2015, the Court entered an Order Appointing Receiver on Consent (the “Receiver Appointment Order”), which, inter alia, appointed Lucien A. Morin II as Receiver for the “assets of, or in possession of, the Corporate Defendants and Relief Defendants, other than those that are now held in accounts in the names of any Corporate Defendant or Relief Defendant at M&T Bank, Bank of America, NA, Fidelity ComputerShare, or American Express”;

WHEREAS, the Commission and Gray do not object to the Receiver’s request for a modification of the Asset Freeze Order to permit the Receiver to engage the services of CT Corporation and National Corporate Research Ltd. and pay the Delaware franchise fees for the Corporate and Relief Defendants (excepting Archipel Capital – Amyris Biotechnologies,LP) as set forth in the Receiver’s June 16, 2015 application.

NOW THEREFORE,

IT IS HEREBY ORDERED that the March 23, 2015 Order is further modified to the extent necessary to permit the Receiver to file the annual reports and pay the franchise fees for the Corporate and Relief Defendants other than Archipel Capital - Amyris Biotechnologies LP; and

IT IS FURTHER ORDERED that the March 23, 2015 Order is modified to allow the Receiver the right to withdraw not more than a total of \$11,000.00 from the M&T Bank Accounts for the purposes of engaging and paying for the services of CT Corporation or National Corporate Research Ltd. and pay of the franchise fees and related fees for through and including the 2015 Annual Reports with the State of Delaware on behalf of the Corporate or Relief Defendants (other than Archipel Capital-Amyris Biotechnologies LP).

IT IS FURTHER ORDERED that, other than expressly set forth above, ~~in~~ the March 23, 2015 Order shall remain in full force and effect pending the final disposition of this action. 

Dated: 7/8/15, 2015


UNITED STATES DISTRICT JUDGE 